

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

IN RE:)	
)	CASE NO. 16-51072-PMB
WILLIAM B. JOHNSON, JR.,)	
)	
Debtor)	CHAPTER 7
)	
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NEIL C. GORDON, Chapter 7 Trustee)	
for the Estate of William B. Johnson, Jr.,)	
)	
Plaintiff,)	
)	
vs.)	
)	ADVERSARY PROCEEDING
THE INTERNAL REVENUE SERVICE;)	NO. 16-05349
GEORGIA DEPARTMENT OF)	
REVENUE; U. S. DEPARTMENT OF)	
JUSTICE; AUTOMOBILE)	
ACCEPTANCE CORP.; DANCO)	
FINANCIAL INC.; SYNOVUS BANK;)	
J. RICHARD STEPHENS; SUNTRUST)	
BANK; AMEGY BANK, N. A.; STATE)	
BANK; CHATHAM HILL)	
ASSOCIATION, INC.; and SANDRA)	
THOME JOHNSON,)	
)	
Defendants.)	

PLAINTIFF'S MOTION FOR PARTIAL SUMMARY JUDGMENT

COMES NOW Neil C. Gordon (“**Trustee**” or “**Plaintiff**”), as Chapter 7 Trustee for the bankruptcy estate of William B. Johnson, Jr. (“**Debtor**”), by and through undersigned counsel, and files this *Plaintiff’s Motion for Partial Summary Judgment* pursuant to Rule 56 of the Federal Rules of Civil Procedure made applicable to this Bankruptcy proceeding by Rule 7056 of the Federal Rules of Bankruptcy Procedure. Plaintiff seeks summary judgment in his favor on the grounds that no genuine issue of material fact remains as to various counts in this action. In support of *Plaintiff’s*

Motion for Partial Summary Judgment, the Plaintiff submits to the Court: i) *Plaintiff's Memorandum of Law in Support of Plaintiff's Motion for Partial Summary Judgment*; and ii) *Plaintiff's Statement of Material Facts as to Which There is No Material Issue to be Tried Offered in Support of Plaintiff's Motion for Partial Summary Judgment*.

WHEREFORE, the Plaintiff respectfully requests that this Court grant *Plaintiff's Motion for Partial Summary Judgment* and award the Plaintiff a judgment against the Defendant:

- a) avoiding the Transfers (i.e. the attachment, fixing or perfection of the Judgment Liens and of the Tax Lien) pursuant to 11 U.S.C. § 547; and
- b) preserving the avoided Transfers for the benefit of the Estate, pursuant to 11 U.S.C. § 551; or
- c) alternatively, declaring that the Tax Lien is the senior lien on the Net Sale Proceeds held by the estate, subject to surcharge under 11 U.S.C. § 506(c) and subordination under 11 U.S.C. § 724(b).

Respectfully submitted this 15th day of December, 2017.

ARNALL GOLDEN GREGORY LLP
Attorneys for Trustee

By: /s/ William D. Matthews
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CERTIFICATE OF SERVICE

This is to certify that I, William D. Matthews, am over the age of 18 and that on December 15, 2017, I caused to be served true and correct copies of the foregoing PLAINTIFF'S MOTION FOR PARTIAL SUMMARY JUDGMENT by electronic mail on all those persons or entities set forth below at the email addresses stated:

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This 15th day of December, 2017.

/s/ William D. Matthews
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